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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,759	07/01/2003	John McFarland Harris	CE09392R	2160

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MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
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EXAMINER

AGHDAM, FRESHTEH N

ART UNIT PAPER NUMBER

2611

NOTIFICATION DATE DELIVERY MODE

12/13/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com
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Office Action Summary	Application No. 10/611,759	Applicant(s) HARRIS ET AL.	
	Examiner Freshteh N. Aghdam	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7, 9-13, 15 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-7, 9, 10 and 15, 18-19, and 20 is/are allowed.
- 6) ☒ Claim(s) 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 11, 12, and 13 have been considered but are moot in view of the previous ground(s) of rejection.

In the previous office action, the examiner rejected claims 11, 12, and 13 but mistakenly indicated claim 11 as allowable subject matter under allowable subject matter. Therefore, the rejection to claim 11 has been held. Also, the examiner did not indicate claims 12 and 13 as allowable subject matter in the previous office action. Therefore, the rejections to claims 12 and 13 have been held as well.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin.

As to claim 11, Lin discloses receiving a plurality of wireless communication signals (e.g. signal paths) each containing the frame having the plurality of bits (Fig. 2, means 200); selecting at least one of the plurality of received signals (means 224a-224c; Col. 6, lines 13-18); and determining when the frame of the selected one of the plurality of communication signals satisfies the quality check (means 250; Fig. 3, means 310). One of ordinary skill in the art would recognize that in the case when there is no

distinct path only one of the paths is selected for frame type detection and ultimately for power control outer loop. Therefore, it would have been obvious to one of ordinary skill in the art to at least select one communication signal from a plurality of the received signals for the reason stated above.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin, and further in view of Hocevar (US 2007/0011568).

As to claims 12-13, Lin discloses receiving the same signal transmitted from a transmitting device through different paths. Lin is not explicit about receiving a plurality of the signal; and determining when there is a difference between the bit values for the first bit of each of the frames from plurality of wireless communications; determining when there is a majority bit value of the first bit having values found to be different; assigning the majority bit value to the first bit when the first bits from each of the frames of each of the wireless communication paths are found to be different; and regenerating the frame such that the first bit has the majority bit value when the first bit from each of the wireless communication paths are found to be different. Hocevar discloses transmitting the same signal a number of times (e.g. achieving diversity and receiving a plurality of the same signal); and performing majority voting by comparing bits of a plurality of the same signals and when there is a difference between bit values for the plurality of bits of each of the signals assigning the majority bit value to the bits found to be different and regenerating the signal consequently (Par. 7). Therefore, it would have

been obvious to one of ordinary skill in the art to combine the teaching of Hocevar with Lin in order to effectively reduce the error rate and enhance data integrity.

Allowable Subject Matter

Claims 2-7, 9-10, 15, 18-19, and 20 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freshteh N. Aghdam whose telephone number is 571-272-6037. The examiner can normally be reached on 9:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Freshteh Aghdam
Examiner
Art Unit 2611

December 6, 2007


CHIEH M. FAN
SUPERVISORY PATENT EXAMINER